THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16891 OF 2005.

DATED: 08-08-2005.

Between

B.Nagamani wife of Late B.Chalapathi Rao

Aged 21 yrs, Unemployee, R/o D/287

Srisailam Project, Kurnool district.

...Petitioner

And

1.The District Collector, Kurnool

District and another.

....Respondents

ORDER

In this writ petition, the petitioner by way of Writ of Mandamus seeks to declare the endorsement No.164/05, dated 27-07-2005 as illegal and arbitrary and set aside the same and consequently direct the respondents to issue the Family member certificate/Legal heir certificate to the petitioner.

The case of the petitioner is that she is the legally wedded wife of Chalapathi Rao who died on 17-12-2004 while he was working as Surveyor in Dam

Maintenance Division, Srisailam Project. Thereafter she submitted representations to the Asst. Director Survey and Land Records department and also 1st respondent requesting to provide appointment on compassionate grounds. But she was informed to obtain Family member Certificate/legal heir certificate from the 2nd respondent and accordingly, she submitted a representation to the 2nd respondent to issue legal heir certificate since she is the legally wedded wife of late Chalapathi Rao. Thereafter the 2nd respondent issued the impugned proceedings stating that in view of the notice issued by her mother-in-law with regard to half share in the death benefits of Chalapathi Rao, the petitioner was asked to decide the dispute in Civil Court. Hence the Writ Petition.

Having considered the submissions made and on perusal of record, it is seen that the impugned order is passed by the 2nd respondent wherein it is stated to decide the dispute through a Civil Court as there are two rival claimants of the deceased Chalapathi Rao and there is no illegality in the impugned order passed by the 2nd respondent. Therefore, I see no reason to entertain the writ petition.

Accordingly, the writ petition is dismissed. No costs.

08-08-2005.

Hsd